

CHAPTER 12

USE OF ELECTRONIC COMMUNICATION DEVICES

Section 1. Networked Devices

1.1 Introduction and Purpose

The State of North Dakota provides Electronic Communication Devices (ECDs) and an information technology (IT) infrastructure designed to facilitate business communications among state government, educational entities, political subdivisions and their business contacts. These devices include telephone (including cell phones), facsimile (fax) machines, all computer and network related hardware, software, and/or peripheral devices (including e-mail and Internet). These devices are connected to the State's IT infrastructure and as such, public scrutiny and/or disclosure of usage must not damage the reputation of the State of North Dakota, nor jeopardize the systems' integrity.

OMB's intent is to provide a policy that ensures appropriate use of ECDs by its staff and business contacts.

North Dakota state government branches and agencies are responsible for developing and administering policies to prevent or detect abuse and reduce legal exposure related to the use of ECDs. Unless exempted by law, all electronic communications shall follow North Dakota's Open Records Law.

1.2 Authorized Use

OMB's policy is to limit the use of state ECDs to official business. However, users may be permitted to utilize ECDs for personal use, off-duty, if in compliance with the following terms of this policy:

- Does not interfere with the performance of the user's public duties;
- Is of nominal cost or value;
- Does not create the appearance of impropriety;
- Is not for a political or personal commercial purpose;
- Is reasonable in time, duration, and frequency;
- Makes minimal use of hardware and software resources;
- Uses only software that has been licensed by OMB. Unauthorized downloading of software/shareware is prohibited; personal computers may be audited at any time.

1.3 Standards of Conduct

Users shall be held personally liable (legally, financially, or otherwise) for the use of ECDs not in compliance with State policy. ECDs should be used in a professional and ethical manner as noted below:

- Must not use ECDs to distribute or access messages that are harrassing, discriminatory, defamatory, insulting, sexually explicit, or pornographic.

- Must not create, distribute, copy, store, or knowingly use unauthorized copies of copyrighted material on State of North Dakota computers, or transmit them over the State networks; approval for the use and distribution of such information must be obtained from the owner/author;
- Must limit the use of non-business related “streaming” audio & video (including Internet radio, stock/news tickers, and software such as Weather Bug, etc.) that use significant amounts of the State’s bandwidth;
- Must not use ECDs for the purposes of probing or hacking;
- Must not use ECDs for any illegal activity, gambling, trading in illegal substances, etc.;
- Must not use ECDs to knowingly download, copy, distribute, store, or use pirated software or data;
- Must not use ECDs with photo capability in restricted-access areas and areas where personal privacy would be expected (e.g., restrooms) or electronically transmit images recorded on such devices without permission;
- Must not create or distribute a computer virus or intentionally cause damage to any personal computer or bypass any state virus detection system in place; and
- Must conform to state procurement policies when making business related purchases through an ECD.

1.4 Training

User training on computer security and appropriate usage is strongly encouraged and is available from North Dakota Human Resource Management Services. Training is also available via a self-paced tutorial on the State of North Dakota’s Information Technology Department website at www.state.nd.us/itd/security/.

1.5 Measuring and Monitoring

- Except where precluded by law, the State has the right to monitor the usage of ECD’s including but not limited to storing, accessing, and reviewing information received or sent through e-mail or over the Internet.
- The tools available to the Information Technology Department (by request of an agency) allow for monitoring an individual’s Internet site access.
- The State reserves the right to block out any Internet sites deemed by the State to be unrelated to the State’s responsibilities.
- OMB reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received, or sent over the electronic mail system.
- The State will disclose e-mail/Internet records to law enforcement, management, government officials, or third parties through subpoena or other process. Consequently, employees should always ensure that their messages are accurate, appropriate, and lawful.

1.6 Non-compliance Measures

A user’s violation of State policy may lead to disciplinary actions, up to and including termination of employment, and/or service.